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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,450	02/20/2001	Motohiro Asai	520.39670X00	5041
20457	7590	09/28/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889				PEZZLO, JOHN
		ART UNIT		PAPER NUMBER
		2662		

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/785,450	ASA ET AL.	
	Examiner	Art Unit	
	John Pezzlo	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/20/2001</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Rogers et al. (US 6,064,651) hereinafter Rogers.

1. Regarding claim 1 – Rogers discloses an ATM system which comprises a communication apparatus having a plurality of input and output ports for handling a fixed-length packet, refer to Figures 1 and 2 and column 1 lines 40 to 65 and column 2 lines 19 to 53 and column 8 lines 30 to 40 and column 9 lines 30 to 52.

Rogers discloses wherein for each of a first and a second connections identified by an identifier of said fixed-length packet from said input port, a time interval, during which said fixed-length packet is output, is controlled so that the time interval becomes equal to or longer than a given interval, refer to Figures 4 and 5 and column 3 lines 30 to 45 and column 4 lines 42 to 50 and column 5 lines 50 to 63 and column 6 lines 45 to 67 and column 7 lines 1 to 29.

2. Regarding claims 2 and 6 – Rogers discloses wherein during the time when a fixed-length packet having a first value as an identifier of said first connection is required to be transmitted to said output port, fixed-length packet having a second value as an identifier of said first connection can be transmitted to an output port according to predetermined rules, refer to Figures 4 and 5 and column 11 lines 63 to 67 and column 12 lines 1 to 43 and column 13 lines 13 to 25 and column 13 lines 50 to 67 and column 14 lines 1 to 21.

3. Regarding claims 3 and 7 – Rogers discloses wherein during the time when fixed-length packet having a first value as an identifier of said second connection is required to be transmitted to said output port, a fixed-length packet having a second value as an identifier of said second connection can be transmitted to an output port according to predetermined rules, refer to Figures 4 and 5 and column 11 lines 63 to 67 and column 12 lines 1 to 43 and column 13 lines 13 to 25 and column 13 lines 50 to 67 and column 14 lines 1 to 21.

4. Regarding claim 4 – Rogers discloses a first means for accumulating said fixed-length packet from said input port, refer to Figure 1 and column 6 lines 45 to 67 and column 8 lines 30 to 40.

Rogers discloses a second means for identifying a first and second connections by an identifier of said fixed-length packet from said input port, refer to Figure 1 and column 3 lines 30 to 40 and column 8 lines 30 to 40.

Rogers discloses a third means for controlling a time interval, during which said fixed-length packet accumulated in said first means is read, so that the time interval becomes equal to or longer than a given interval, for each of said first connection and said second connection, refer to Figures 4 and 5 and column 3 lines 30 to 45 and column 4 lines 42 to 50 and column 5 lines 50 to 63 and column 6 lines 45 to 67 and column 7 lines 1 to 29.

5. Regarding claim 5 – Rogers discloses wherein said third means controls a time interval, during which said fixed-length packet accumulated in said first means is read, using a transmission interval and a delay variation value that have been predefined for said fixed-length packet, refer to Figures 4 and 5 and column 3 lines 30 to 45 and column 4 lines 42 to 50 and column 5 lines 50 to 63 and column 6 lines 45 to 67 and column 7 lines 1 to 29 and column 10 lines 48 to 65 and column 11 lines 20 to 45 and column 12 lines 44 to 67 and column 13 lines 1 to 25.

6. Regarding claim 8 – Rogers discloses a communication apparatus having plurality of input and output ports for handling a fixed-length packet, refer to Figure 1 and column 6 lines 45 to 67 and column 8 lines 30 to 40.

Rogers discloses a controller for determining transmission scheduled time of each said fixed-length packets according to predetermined rules for a connection identified by an identifier the fixed-length packet from said input port, refer to Figures 4 and 5 and column 3 lines 30 to 45 and column 4 lines 42 to 50 and column 5 lines 50 to 63 and column 6 lines 45 to 67 and column

7 lines 1 to 29 and column 10 lines 48 to 65 and column 11 lines 20 to 45 and column 12 lines 44 to 67 and column 13 lines 1 to 25.

7. Regarding claim 9 – Rogers discloses wherein said controller determines said transmission scheduled time, using transmission interval and delay variation value that have been predefined for said fixed-length packet, refer to Figures 4 and 5 and column 3 lines 30 to 45 and column 4 lines 42 to 50 and column 5 lines 50 to 63 and column 6 lines 45 to 67 and column 7 lines 1 to 29 and column 10 lines 48 to 65 and column 11 lines 20 to 45 and column 12 lines 44 to 67 and column 13 lines 1 to 25.

8. Regarding claim 10 – Rogers discloses wherein said controller selects a first connection when the transmission scheduled time has come and said controller selects a second connection if there is no fixed-length packet connection to be transmitted for said first connection, refer to Figure 3 and column 6 lines 46 to 62 and column 10 lines 18 to 33 and column 11 lines 20 to 62.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Cukier et al. (US 6,175,570 B1) discloses a method and an apparatus for shaping the output traffic in a fixed length cell switching network node.

Art Unit: 2662

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 872-9306

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building

500 Dulany Street

Alexandria, VA.

John Pezzlo

23 September 2004



JOHN PEZZLO
PRIMARY EXAMINER